

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**DESCHUTES RIVER ALLIANCE,**

Plaintiff,

v.

**PORTLAND GENERAL ELECTRIC  
COMPANY and CONFEDERATED  
TRIBES OF THE WARM SPRINGS  
RESERVATION OF OREGON,**

Defendants.

Case No. 3:16-cv-1644-SI

**ORDER**

The United States Court of Appeals for the Ninth Circuit issued an Opinion on June 24, 2021 (ECF 145) in the appeal of this case. The Ninth Circuit directed this Court to vacate its Opinion and Order and Judgment in this case, and dismiss the case for failure to join an indispensable party under Rule 19 of the Federal Rules of Civil Procedure. The Opinion was effective July 15, 2021, when the Ninth Circuit issued its mandate (ECF 148). The mandate, however, was inadvertently not filed in this Court's docket. On January 19, 2022, Defendants filed an unopposed motion to dismiss and vacate, requesting that the Court vacate its earlier Opinion and Order and Judgment and dismiss this case as directed by the Ninth Circuit

(ECF 147). The Court then reviewed the docket of the Ninth Circuit, discovered that the Ninth Circuit had issued its mandate, and had the mandate filed in this case.

Accordingly, based on the Ninth Circuit's Opinion, the Opinion and Order and the Judgment of this Court, both dated August 3, 2018, (ECF 130 and 131) are VACATED. This case is dismissed for failure to join an indispensable party under Rule 19 of the Federal Rules of Civil Procedure. Defendants' motion (ECF 147) is DENIED as moot.

**IT IS SO ORDERED.**

DATED this 25th day of January, 2022.

/s/ Michael H. Simon  
Michael H. Simon  
United States District Judge